

Janine Jasso  
P.O. Box 370161  
El Paso, TX 79937  
E-Mail: [j9\\_jasso@yahoo.com](mailto:j9_jasso@yahoo.com)  
Plaintiff, IN PRO PER

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION**

In Re: JAMIE LYNN GALLIAN

**CASE NO. 8:21-bk-11710-SC**

**Chapter 7**

**Adversary No. 8:21-ap-01096-SC**

JANINE JASSO, an individual,  
Plaintiff,

v.

JAMIE LYNN GALLIAN, an individual; J-  
PAD, LLC, a California Limited Liability  
Company, J-Sandcastle Co LLC, a  
California Limited Liability Company, and  
DOES 1 through 100, inclusive,

Defendants.

**MOTION TO CONTINUE PRE-TRIAL  
CONFERENCE AND OTHER DATES TO  
CONSERVE COURT RESOURCES;  
DECLARATION OF JANINE JASSO IN  
SUPPORT THEREOF**

**Current Pre-Trial Conference**

Hearing: February 14, 2023  
Time: 1:30 p. m.  
Courtroom: 5C – Virtual

**New Pre-Trial Conference**

Hearing: TBD  
Time: 1:30 p.m.  
Courtroom: 5C - Virtual

TO THE HONORABLE SCOTT CLARKSON, UNITED STATES BANKRUPTCY JUDGE,

1 DEFENDANT AND HER AND TO ALL PARTIES ENTITLED TO RECEIVE NOTICE:

2 This Motion to Continue Pre-Trial Conference and Other Dates (the “Motion”) is filed by  
3 Plaintiff, Janine Jasso (“Plaintiff”). This Motion is made with reference to the following  
4 recitals:

5 1. On or about July 9, 2021, Jamie Lynn Gallian (“Debtor”) filed a voluntary petition  
6 under Chapter 7 of the Bankruptcy Code.

7 2. Plaintiff timely filed and served a First Amended Complaint (the “Complaint”)  
8 in the above captioned adversary proceeding on November 16, 2021 (the “Adversary  
9 Proceeding”).

10 3. The Adversary Proceeding was commenced pursuant to Rules 7001(4) and (6)  
11 of the Federal Rules of Bankruptcy Procedure and 11 U.S.C. §§ 523(a)(7) and (a)(2)(A) and  
12 727(a)(3), (a)(4), and (a)(5)

13 4. On December 10, 2021, Debtor filed her answer to the Complaint [Docket No.  
14 13].

15 5. On December 17, 2021, Debtor filed answers in pro per to the Complaint on  
16 behalf of the corporate defendants, J-Sandcastle Co LLC and J-Pad, LLC. [Docket Nos. 14,  
17 15, 16, 17 and 18].

18 6. On September 20, 2022, Plaintiff moved the Court to strike the pro per answers  
19 and enter the default of business entity defendants, J-Sandcastle Co LLC and J-Pad, LLC,  
20 which was uncontested. [Docket 40.] On October 25, 2022, the Court granted Plaintiff’s  
21 motion and entered the defendants’ defaults. [Dockets 55-56]. On December 30, 2022,  
22 Plaintiff moved the Court for the default judgments of defendants J-Sandcastle Co LLC and J-  
23 Pad, LLC. The motion is scheduled to be heard on February 8, 2023. [Declaration of Janine  
24 Jasso (“Jasso Decl.”) attached hereto, ¶8]  
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1           7.       On September 29, 2022, Plaintiff moved the Court for a partial summary  
2 judgment regarding Plaintiff's first cause of action, the nondischargeable state criminal  
3 restitution order and judgment. [Docket 47]. This motion was scheduled to be heard by the  
4 Court on November 15, 2022 at 1:30 p.m. However, on November 4, 2022, without notice to  
5 the Plaintiff, Debtor moved the court for additional time to file her late opposition to Plaintiff's  
6 motion. [Docket 58], which was granted [Docket 67]. Debtor filed multiple filings, in  
7 contravention of the court-order and without serving any of them on Plaintiff.<sup>1</sup> Plaintiff filed a  
8 reply brief [Docket 78]. The court heard and granted Plaintiff's motion on December 13, 2022  
9 and entered on December 19, 2023. [Docket 84]. Under FRBP 8002(a)(1), Debtor's deadline  
10 to file her appeal was January 3, 2023. Debtor started filing unnoticed and unserved motions  
11 for extensions to file her appeal on January 9, 2023 and January 10, 2023 [Dockets 99 and  
12 101], which the Court served copies on Plaintiff on January 18, 2023 which was received on  
13 January 23, 2023. To date, Debtor has never filed a noticed motion date for leave to file a late  
14 appeal and this Court has not made any order under FRBP 8002(d)(1)(B). In addition, Debtor  
15 lied about the entry date of the order falsely stating it was entered on December 21, 2023  
16 [Compare Docket 84 to Docket 98, Part 2, Item 2]. [Jasso Decl. ¶9].

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19           8.       Debtor apparently added the Court's Docket 104 order to her appeal/appellate  
20 documents without designating the additional motion. As part of Debtor's unnoticed and  
21 unserved purported motion for an extension of time to file an appeal [Docket 99], Debtor  
22 provided no basis for an extension to appeal in her multiple filings [Dockets 99 and 101].  
23 Instead, the Court served Docket 99, which appears to be a motion citing Debtor's Docket 63  
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27 <sup>1</sup> In some recent pleadings, Debtor improperly claims that she has the right to serve me by email. This is false  
28 based on the state court's restraining orders restraining the Debtor from emailing me. In January 2022, the Court  
in the first status conference, taking into account the restraining orders protecting me and my family, made it clear  
to both parties that service of process must be by mail.

1 motion to dismiss the First Amended Complaint [Docket 99]. In her second unnoticed and  
2 unserved motion, Debtor again seems to be arguing her motion to dismiss as a basis for her  
3 appeal [Docket 101 pp. 12-19]. Had Debtor properly filed and served a timely notice and  
4 motion for extension to file her appeal, Plaintiff would have properly showed the court that on  
5 January 10, 2023 the Debtor submitted on the Court's tentative ruling, which confirmed that  
6 Debtor admitted that my Adversary Complaint was timely filed (because it was timely filed by  
7 the Court). To further add confusion, Debtor is apparently not designating any part of the  
8 record for the Court order granting Plaintiff's motion for partial summary judgment [Docket  
9 84] on Plaintiff's motion [Docket 108]. If Plaintiff is wrong and Debtor has been granted  
10 leave to appeal, Plaintiff respectfully requests that the Court provide Plaintiff with that Court  
11 order or give the Plaintiff the docket number to look up. If the Court has not granted the  
12 Debtor leave to file an appeal on either DK 84 nor DK 104, Plaintiff respectfully requests the  
13 Court to make note of that on its order regarding the Plaintiff request for an extension of the  
14 pretrial conference herein which will help Plaintiff to understand procedurally what is  
15 happening. [Jasso Decl. ¶10].

18 9. Plaintiff believes the Debtor's actions above are intentionally designed to create  
19 procedural chaos based on false claims. This is the same litigation procedural chaos Debtor  
20 did in state court to Plaintiff and the Association in her appeals of the state court's permanent  
21 restraining orders. Debtor pretended to appeal a final court order issued in October 2019, but  
22 actually continued to play games with the designation of record in attempt to appeal a non-  
23 appealable earlier order from December 2018 due to untimeliness, causing Plaintiff  
24 approximately 10 months (and the Association one year and nine months) of state and  
25 appellate court fees and costs and a waste of the court's resources since Debtor never actually  
26 proved of any of her claims, because she never complied with notices of default nor numerous  
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1 extensions granted by the court, and her appeals were finally dismissed. Notably, rather than  
2 comply with the appellate court's orders, Debtor filed motions, such as demanding the Court  
3 combining her appeals which was denied because the cases were separate cases. Plaintiff is  
4 reasonably concerned that Debtor's goal in this appellate chaos will include her pattern of  
5 motions to combine her appeal in this case with another creditor's appeal in the Main Case.  
6 As Plaintiff has previously proven to this Court, Debtor has twenty (20) plus years of pro per  
7 litigation experience against her targets in civil, probate, family law, bankruptcy, elder-abuse  
8 restraining orders, domestic violence restraining orders, workplace violence restraining orders,  
9 civil restraining orders and appellate court cases. [See Jasso Decl. ¶11, a true and correct copy  
10 of California Court of Appeals, District 4, Division 3, Case Nos. G058874 and G058875  
11 dockets attached as Exhibits 1].  
12

13  
14 10. On January 10, 2023, the Court considered Debtor's Docket 63 motion to  
15 dismiss as a motion for judgment on the pleadings. As provided in Paragraph 8, supra, Debtor  
16 submitted on the Court's tentative ruling. Plaintiff did too. Again, the Court found that Debtor  
17 admitted the complaint was timely in her timely filed Answer. The Court denied Debtor's  
18 motion as to Plaintiff's Claim 1, the nondischargeable criminal restitution order and judgment  
19 debt, which was decided by the Court on December 13, 2022 [Docket 104]. The Court granted  
20 Debtor's motion as to Plaintiff's Claims 2-5, and granted Plaintiff 20 days leave to amend.  
21 Plaintiff timely filed and served my Second Amended Complaint ("SAC") on January 28,  
22 2023. Debtor has until February 17, 2023 to file and serve a response to the SAC. [Jasso Decl.  
23 ¶12].  
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25 11. To protect Plaintiff and my family under the current restraining orders' no-  
26 contact orders, each party is required by the Court to prepare individual pre-trial conference  
27 statements. Plaintiff began preparing the statements in compliance with the Court's orders. I  
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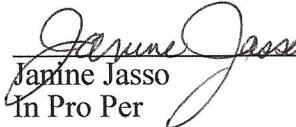
1 have requested assistance from the Santa Ana Bankruptcy Clinic. I was advised that I should  
2 request a continuance due to the fact that no response has been filed yet by the Debtor to the  
3 SAC. In addition, the Debtor has not filed her pretrial statements. [Jasso Decl. ¶¶12-13.]

4 12. Plaintiff requests a continuance of the pre-trial conference for ninety (90) days  
5 or as the Court deems appropriate for Debtor to properly file and serve a responsive pleading  
6 to Plaintiff's timely SAC by mail or, alternatively, allow Plaintiff the proper procedural time to  
7 make a motion if no response is timely filed. [Jasso Decl. ¶14.]  
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9 13. This motion does not constitute a waiver of any rights.

10 **WHEREFORE**, based on the foregoing recitals, Plaintiff requests the hearing on the Pre-  
11 Trial Conference and related dates to be continued for ninety (90) days or as the Court deems  
12 appropriate.  
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14 DATED: February 1, 2023

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17 Janine Jasso  
18 In Pro Per  
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**DECLARATION OF JANINE JASSO**

I, Janine Jasso, declare and state:

1. I am over the age of eighteen (18), have personal knowledge of the facts stated herein and except as to those matters stated upon information and belief, I believe them to be true. I could and would testify to said facts if sworn as a witness in this proceeding.

2. This declaration is in support of the Motion to Continue the Pre-Trial Conference (the "Motion").

3. On or about July 9, 2021, Jamie Lynn Gallian ("Debtor") filed a voluntary petition under Chapter 7 of the Bankruptcy Code.

4. I timely filed a First Amended Complaint (the "Complaint") in the above captioned adversary proceeding on November 16, 2021 (the "Adversary Proceeding").

5. The Adversary Proceeding was commenced pursuant to Rules 7001(4) and (6) of the Federal Rules of Bankruptcy Procedure and 11 U.S.C. §§ 523(a)(7) and (a)(2)(A) and 727(a)(3), (a)(4), and (a)(5).

6. On December 10, 2021, Debtor filed her answer to the Complaint [Docket No. 13].

7. On December 17, 2021, Debtor filed J-Sandcastle Co LLC's and J-Pad, LLC's answers to the Complaint in pro per as the sole member of the corporate defendants. [Docket Nos. 14, 15, 16, 17 and 18].

8. On September 20, 2022, Plaintiff moved the Court to strike the pro per answers and enter the default of business entity defendants, J-Sandcastle Co LLC and J-Pad, LLC, which was uncontested. [Docket 40.] On October 25, 2022, the Court granted Plaintiff's motion. [Docket 55]. On December 30, 2022, Plaintiff moved the Court for the default

1 judgments of defendants J-Sandcastle Co LLC and J-Pad, LLC. The motion is scheduled to be  
2 heard on February 8, 2023.

3 9. On September 29, 2022, Plaintiff moved the Court for a partial summary  
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6 Court on November 15, 2022 at 1:30 p.m. However, on November 4, 2022, without notice to  
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8 motion. [Docket 58], which was granted [Docket 67]. Debtor filed multiple filings, in  
9 contravention of the court-order and without serving any of them on Plaintiff.<sup>2</sup> Plaintiff filed a  
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11 and entered on December 19, 2023. [Docket 84]. Under FRBP 8002(a)(1), Debtor's deadline  
12 to file her appeal was January 3, 2023. Debtor started filing unnoticed and unserved motions  
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15 January 23, 2023. To date, Debtor has never filed a noticed motion date for leave to file a late  
16 appeal and this Court has not made any order under FRBP 8002(d)(1)(B). In addition, Debtor  
17 lied about the entry date of the order falsely stating it was entered on December 21, 2023  
18 [Compare Docket 84 to Docket 98, Part 2, Item 2].  
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22 10. Debtor added unnecessary confusion to her appellate documents. As part of  
23 Debtor's unnoticed and unserved purported motion for an extension of time to file an appeal  
24 [Docket 99], Debtor provided no basis for an extension to appeal in her multiple filings  
25

26  
27 <sup>2</sup> In some recent pleadings, Debtor improperly claims that she has the right to serve me by email. This is false  
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in the first status conference, taking into account the restraining orders protecting me and my family, made it clear  
to both parties that service of process must be by mail.



1 [Dockets 99 and 101]. Instead, the Court served Docket 99, which appears to be a motion  
2 citing Debtor's Docket 63 motion to dismiss the First Amended Complaint [Docket 99]. In  
3 her second unnoticed and unserved motion, Debtor again seems to be arguing her motion to  
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5 served a timely notice and motion for extension to file her appeal, Plaintiff would have  
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7 tentative ruling, which confirmed that Debtor admitted that my Adversary Complaint was  
8 timely filed (because it was timely filed by the Court). To further add confusion, Debtor is  
9 apparently not designating any part of the record for the Court order granting Plaintiff's  
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15 Plaintiff request for an extension of the pretrial conference herein which will help Plaintiff to  
16 understand procedurally what is happening.

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19 11. Plaintiff believes the Debtor's actions above are intentionally designed to  
20 create procedural chaos based on false claims. This is the same litigation procedural chaos  
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22 permanent restraining orders. Debtor pretended to appeal a final court order issued in October  
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1 proved of any of her claims, because she never complied with notices of default nor numerous  
2 extensions granted by the court, and her appeals were finally dismissed. Notably, rather than  
3 comply with the appellate court's orders, Debtor filed motions, such as demanding the Court  
4 combining her appeals which was denied because the cases were separate cases. Plaintiff is  
5 reasonably concerned that Debtor's goal in this appellate chaos will include her pattern of  
6 motions to combine her appeal in this case with another creditor's appeal in the Main Case.  
7 As Plaintiff has previously proven to this Court, Debtor has twenty (20) plus years of pro per  
8 litigation experience against her targets in civil, probate, family law, bankruptcy, elder-abuse  
9 restraining orders, domestic violence restraining orders, workplace violence restraining orders,  
10 civil restraining orders and appellate court cases. [See Jasso Decl. ¶ , a true and correct copy  
11 of California Court of Appeals, District 4, Division 3, Case Nos. G058874 and G058875  
12 dockets attached as Exhibits 1].  
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15 12. On January 10, 2023, the Court considered Debtor's Docket 63 motion to  
16 dismiss as a motion for judgment on the pleadings. As provided in Paragraph 8, supra, Debtor  
17 submitted on the Court's tentative ruling. Plaintiff did too. Again, the Court found that Debtor  
18 admitted the complaint was timely in her timely filed Answer. The Court denied Debtor's  
19 motion as to Plaintiff's Claim 1, the nondischargeable criminal restitution order and judgment  
20 debt, which was decided by the Court on December 13, 2022 [Docket 104]. The Court granted  
21 Debtor's motion as to Plaintiff's Claims 2-5, and granted Plaintiff 20 days leave to amend.  
22 Plaintiff timely filed and served my Second Amended Complaint ("SAC") on January 28,  
23 2023. Debtor has until February 17, 2023 to file and serve a response to the SAC.  
24

25 13. To protect Plaintiff and my family under the current restraining orders' no-  
26 contact orders, each party is required by the Court to prepare individual pre-trial conference  
27 statements. [Docket Nos. 26, 34, 35]. Plaintiff began preparing the statements in compliance  
28

1 with the Court's orders. I have requested assistance from the Santa Ana Bankruptcy Clinic. I  
2 was advised that I should request a continuance of the status conference hearing because no  
3 response has been filed yet by the Debtor to the SAC. In addition, the Debtor has not filed her  
4 pre-trial conference statements.

5  
6 14. Plaintiff requests a continuance of the pre-trial conference for ninety (90) days  
7 or as the Court deems appropriate for Debtor to properly file and serve a responsive pleading  
8 to Plaintiff's timely SAC by mail or, alternatively, allow Plaintiff the proper procedural time to  
9 make a motion if no response is timely filed.

10 I declare under penalty of perjury under the laws of the United States of America that  
11 all of the foregoing is true and correct.

12 Executed this 1st day of February 2023 at El Paso, Texas.

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15 Janine Jasso  
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# EXHIBIT 1

## Appellate Courts Case Information

4th Appellate District Division 3

Change court ▼

### Docket (Register of Actions)

**Jasso v. Gallian**

**Case Number G058874**

Date	Description	Notes
02/14/2020	Notice of appeal lodged/received.	aplt Jamie L. Gallian. also appealing Judgment on 10/28/19
02/18/2020	Application for waiver of filing fee filed.	by appellant Jamie Lynn Gallian
02/19/2020	Default notice sent-appellant notified per rule 8.100(c).	notice rescinded on 2/19/20.
02/19/2020	Letter sent to:	Due to clerical error, a notice was issued to appellant pursuant to California Rules of Court, rule 8.100(c) on February 19, 2020. That notice is rescinded.
02/19/2020	Order waiving filing fee.	Pursuant to the filing of a Request to Waive Court Fees and Costs, and with good cause appearing therefor, IT IS ORDERED that appellate court fees and costs for the above-entitled action are waived pursuant to rule 8.26.Mailed order to appellant
03/02/2020	Default notice sent; no case information statement filed, or statement incomplete.	
03/02/2020	Returned document for non-conformance.	Appellant's ccis was rejected; Part 3 missing respondent's attorney email address and attached the judgment/minute order.
03/09/2020	Civil case information statement filed.	
03/16/2020	Received copy of:	Notice of failure to comply with notice of default re designation.

03/16/2020	Appeal dismissed per rule 8.140(b).	Pursuant to California Rules of Court, rule 8.140(b)(1), the appeal filed February 13, 2020, is DISMISSED for appellant's failure to designate the record on appeal in a timely manner. Appellant is advised that this dismissal will become final as to this court 30 days after the date of this order, at which time this court will lose the power to vacate, reconsider or modify it. (See Cal. Rules of Court, rule 8.264(b)(1).) A motion to vacate dismissal requires a showing of good cause. To allow the court sufficient time to review and evaluate the showing of good cause, a motion to vacate dismissal should be filed well before the 30-day jurisdictional deadline. Emailed and mailed copy of order to parties.
03/16/2020	Motion to vacate dismissal filed.	By appellant (pro per)
03/20/2020	Substitution of attorneys filed for:	Resp Atty Martina A. Teinert SUBS OUT. resp Janine B. Jasso SUBS IN as pro per.
03/25/2020	Motion filed.	Respondent's opposition to appellant's motion to vacate dismissal Respondent's opposition to appellant's motion to vacate the dismissal filed on March 25, 2020, is treated as a motion to dismiss the appeal as untimely
03/25/2020	Exhibits filed in support of:	Exhibits 1-6 in support of declaration of Janine Jasso in support of respondent's opposition to appellant's motion to vacate dismissal. (60 pages)
03/25/2020	Filed declaration of:	Declaration of Janie Jasso in support of respondent's opposition to appellant's motion to vacate dismissal.
03/25/2020	To court.	Per J.R., Hold for oppo, if no oppo return send an order granting and reinstating. 1) Appellant filed a motion to vacated dismissed appeal 2) Respondent filed a oppo with exhibits in support of oppo and declaration.
03/27/2020	Order of dismissal vacated.	Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is GRANTED. The order of dismissal is VACATED and the appeal is REINSTATED. Orange County Superior Court, Appellate Division is directed to accept the designation of the record on appeal, provided the designation is presented within 15 days of the date of this order. If appellant fails to comply, and the Superior Court notifies this court of the non-compliance, the appeal may be dismissed. Respondent's opposition to appellant's motion to vacate the dismissal filed on March 25, 2020, is treated as a motion to dismiss the appeal as untimely. Appellant may file opposition to the motion to dismiss within 15 days of the date of this order. Failure to oppose a motion may be deemed a consent to the granting of the motion. (Cal. Rules of Court, rule 8.54(c).) Respondent may file a reply to any opposition filed by appellant within 15 days after the opposition is filed.
04/09/2020	Returned document for non-conformance.	Apl't's mtn to consolidate cases G057737, G058874, and G058875 needs to be filed only in G058874. Mtn needs to be resubmitted as to cases G058874 only. Case G057737 was dismissed on 03/03/20.
04/09/2020	Motion filed.	By appellant motion to consolidate appeals G058874 & G058875.
04/13/2020	Opposition filed.	By appellant reply (opposition) to respondent's motion to dismiss appeal as untimely. Per order 03/27/2020.
04/14/2020	Reply filed to:	By respondent reply to appellant's opposition to the motion to dismiss for untimeliness.
04/21/2020	Opposition filed.	By respondent opposition to appellant's motion to consolidate appeals under case nos. G055874 and G055875
04/21/2020	Filed declaration of:	By respondent declaration in support of opposition to appellant's motion to consolidate G058874 and G058875
04/21/2020	Filed document entitled:	Exhibits 1-3 in support of respondent's opposition to appellant's motion to consolidate appeals under case nos. G058874 and G058875

04/22/2020	To court.	<p>1) Appellant's motion to consolidate appeals G058874 &amp; G058875</p> <p>2) Respondent's opposition to appellant's motion to consolidate appeals under case nos. G055874 and G055875</p> <p>3) Exhibits 1-3 in support of respondent's opposition to appellant's motion to consolidate appeals under case nos. G058874 and G058875 (rec'd only)</p>
04/22/2020	Order on motion filed.	Appellant's motion to consolidate the appeals in case numbers G058874 and G058875 is DENIED.
04/30/2020	Order on motion filed.	<p>THE COURT:*</p> <p>On March 25, 2020, respondent filed a motion to dismiss the appeal. On April 13, appellant filed opposition to the motion to dismiss. On April 14, respondent filed a reply in support of the motion to dismiss.</p> <p>Appellant filed a notice of appeal on February 13, 2020, purporting to appeal from: (1) a December 21, 2018 civil restraining order; and (2) an October 28, 2019 order denying an ex parte application to terminate the civil restraining order (this order denied the application based purely on the lack of adequate notice to respondent). Appellant's civil case information sheet clarified that the appeal should also include an October 31, 2019 order that denied the application to terminate the civil restraining order on the merits.</p> <p>Civil restraining orders are appealable. (R.D. v. P.M. (2011) 202 Cal.App.4th 181, 187.) But this appeal of the December 21, 2018 civil restraining order is untimely, as the maximum amount of time to file a notice of appeal is six months. (Cal. Rules of Court, rules 8.104, 8.108; Anderson v. Chikovani (2010) 181 Cal.App.4th 1397, 1401 ["latest possible deadline" for filing a notice of appeal is 180 days from entry of order or judgment].) "Under California law, if an appeal is untimely, the appellate court has no jurisdiction to consider its merits and the appeal must be dismissed." (Sanchez v. Strickland (2011) 200 Cal.App.4th 758, 762.) This appeal must be dismissed to the extent it purports to directly challenge the entry of the civil restraining order in December 2018 (or any orders preceding the entry of the restraining order). With regard to the October 2019 orders, had notice of entry of these orders been served immediately on appellant, this portion of the appeal would be untimely as well. (See Cal. Rules of Court, rule 8.104(a)(1)(A), (B) [notice of appeal must be filed within 60 days of notice of entry of order].) However, there is no evidence in the record before us suggesting that notice of entry of the October 2019 orders was served on appellant. If notice of entry of the October 2019 orders was not served on appellant, she had 180 days to file her notice of appeal. The notice of appeal in this case was filed on February 13, 2020, well within 180 days of October 28 and 31, 2019. (See Carmel, Ltd. v. Tavoussi (2009) 175 Cal.App.4th 393, 398-399 [timeliness rules are strictly construed to avoid loss of jurisdiction].)</p> <p>Another question raised but not fully examined in the motion to dismiss and associated briefing is whether the October 2019 orders are appealable. On its face, the October 31, 2019 order appears to be "an order . . . refusing to . . . dissolve an injunction." (Code Civ. Proc., § 904.1, subd. (a)(6).) Appellant also contends the orders are orders "made after a judgment" that is appealable in its own right. (Code Civ. Proc., § 904.1, subd. (a)(2).) Neither respondent's motion nor its reply convincingly demonstrates that the October orders (in particular, the Oct. 31 order, which denied the application on the merits) are not appealable. Finally, respondent requests that this appeal be dismissed under the disentanglement doctrine. "An appellate court has the inherent power, under the "disentanglement doctrine," to dismiss an appeal by a party that refuses to comply with a lower court order. [Citations.] . . . "A party to an action cannot, with right or reason, ask the aid and assistance of a court in hearing his demands while he stands in an attitude of contempt to legal orders and processes of the courts of this state." (Blumberg v. Minthorne (2015) 233 Cal.App.4th 1384, 1390-1391.) This theory of dismissal is plausible, with an adequate showing that appellant was violating the restraining order (or other court orders) at the same time that she was seeking this court's assistance with the appeal from the October 2019 orders. And, certainly, the motion to dismiss establishes that appellant has violated restraining orders in the past. The motion to dismiss has not sufficiently demonstrated,</p>

		<p>however, that appellant is presently (since October 2019) violating court orders while at the same time seeking to have the October 2019 orders overturned on appeal.</p> <p>In sum, the motion to dismiss the appeal with regard to the October 2019 orders is DENIED, without prejudice to further consideration of appealability in conjunction with the decision on appeal. The parties may address appealability in their appellate briefing (including timeliness of the appeal, appealability, and the disentitlement doctrine), and this court may consider dismissing the appeal rather than deciding the appeal on its merits once the case is ready for decision. In her briefing, appellant may not directly challenge entry of the civil restraining order in December 2018. Her appeal is limited to challenging the trial court's denial of relief from the civil restraining order in its October 2019 orders.</p> <p>BEDSWORTH, ACTING P. J.</p> <p>* Before Bedsworth, Acting P. J., Thompson, J., and Goethals, J. Order mailed and emailed to both parties.</p>
06/17/2020	Received copy of:	Notice of failure to comply with notice of default re: Submit a proof of service of designation, clearly specify on the designation of record, and which form of the oral record on appeal appellant to proceed.
06/18/2020	Appeal dismissed per rule 8.140(b).	Pursuant to California Rules of Court, rule 8.140(b)(1), the appeal filed February 13, 2020, is DISMISSED for appellant's failure to designate the record on appeal in a timely manner. Appellant is advised that this dismissal will become final as to this court 30 days after the date of this order, at which time this court will lose the power to vacate, reconsider or modify it. (See Cal. Rules of Court, rule 8.264(b)(1).) A motion to vacate dismissal requires a showing of good cause. To allow the court sufficient time to review and evaluate the showing of good cause, a motion to vacate dismissal should be filed well before the 30-day jurisdictional deadline.
08/21/2020	Remittitur issued.	
08/21/2020	Case complete.	
03/23/2021	Record shipped to records center	E-Filed

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## Appellate Courts Case Information

4th Appellate District Division 3

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### Docket (Register of Actions)

**Huntington Beach Gables Homeowners Associates v. Gallian**  
**Case Number G058875**

Date	Description	Notes
02/14/2020	Notice of appeal lodged/received.	Appellant Jamie Lynn Gallain Also appealing 10-25-2019.
02/14/2020	Default notice sent-appellant notified per rule 8.100(c).	The notice of appeal filed with the Civil Appellate Division of the Orange County Superior Court was not accompanied by a \$775.00 filing fee as required by Government Code section 68926, an application for a waiver of court fees and costs on appeal under California Rules of Court, rule 3.50 et seq., or an order granting such an application pursuant to California Rules of Court, rule 8.100(b)(1).  The appeal will be dismissed unless, within 15 days of the date of this notice, you either transmit the filing fee of \$775.00 or file an application for a waiver under rule 3.50 et seq. if you have not previously filed such an application.
02/18/2020	Application for waiver of filing fee filed.	By aplt.
02/20/2020	Order waiving filing fee.	Pursuant to the filing of a Request to Waive Court Fees and Costs, and with good cause appearing therefor, IT IS ORDERED that appellate court fees and costs for the above-entitled action are waived pursuant to rule 8.26.
03/02/2020	Filed document entitled:	By resp, change of firm name and notice of change of handling atty to Anne L. Rauch.
03/02/2020	Certification of Interested Entities or Persons filed.	By resp.
03/02/2020	Default notice sent; no case information statement filed, or statement incomplete.	
03/09/2020	Civil case information statement filed.	
03/16/2020	Received copy of:	Notice of failure to comply w/notice of default re: designation.

03/16/2020	Motion for relief from default filed.	By aplt.
03/17/2020	Order granting relief from 8.140(b) default filed.	Appellant's motion to be relieved from default is GRANTED. Orange County Superior Court, Appellate Division is directed to accept the designation of the record on appeal, provided the designation is presented within 20 days of the date of this order. If appellant fails to comply, and the Superior Court notifies this court of the non-compliance, the appeal may be dismissed.
04/09/2020	Returned document for non-conformance.	Aplt's mtn to consolidate cases G057737, G058874, and G058875 needs to be filed only in G058874. Mtn needs to be resubmitted as to cases G058874 only. Case G057737 was dismissed on 03/03/20.
04/09/2020	Returned document for non-conformance.	Aplt's mtn to consolidate appeals G058874 and G058875 needs to be filed only in G058874.
06/18/2020	Received copy of:	Notice of failure to comply w/notice of default re: designation and deposit.
06/19/2020	Appeal dismissed per rule 8.140(b).	Pursuant to California Rules of Court, rule 8.140(b)(1), the appeal filed February 13, 2020, is DISMISSED for appellant's failure to timely designate the record and for failure to deposit costs in a timely manner for preparation of the record on appeal. Appellant is advised that this dismissal will become final as to this court 30 days after the date of this order, at which time this court will lose the power to vacate, reconsider or modify it. (See Cal. Rules of Court, rule 8.264(b)(1).) A motion to vacate dismissal requires a showing of good cause. To allow the court sufficient time to review and evaluate the showing of good cause, a motion to vacate dismissal should be filed well before the 30-day jurisdictional deadline.
07/13/2020	Motion to vacate dismissal filed.	By aplt.
07/14/2020	To court.	Aplt's mtn to vacate dismissal and reinstate appeal.
07/20/2020	Order of dismissal vacated.	Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is GRANTED. The order of dismissal is VACATED and the appeal is REINSTATED. Orange County Superior Court, Appellate Division is directed to accept the designation of the record on appeal, provided the designation is presented within 10 days of the date of this order. If appellant fails to comply, and the Superior Court notifies this court of the non-compliance, the appeal may be dismissed. Orange County Superior Court, Appellate Division is directed to accept the fees for the preparation of the record on appeal, provided the fees are paid within 10 days from the date of this order. If appellant fails to comply and the Superior Court notifies this court of the non-compliance, the appeal may be dismissed.
08/28/2020	Appellant 's notice designating record on appeal filed in trial court on:	Filed on: 07/28/20
08/28/2020	Respondent 's notice designating record on appeal filed in trial court on:	Filed on: 08/07/20
08/31/2020	Record on appeal filed.	5-CT: 1,413 pgs 2-RT: 550 pgs

09/14/2020	Returned document for non-conformance.	Aplt's mtn to augment w/CT is missing a POS, mtn and exhibits need to be separate filings, exhibit vol needs an exhibit list Aplt's mnt to augment w/RT is missing a POS, exhibit volume needs an exhibit list w/page numbers, exhibit volume pagination starts at the cover as page 1.
09/21/2020	Returned document for non-conformance.	Aplt's augmented CT needs request for judicial notice sub-exhibits bookmarked and remove "vol 6" from cover page. Aplt's augmented RT needs "vol III" removed from the cover and the listed page numbers on the cover need correcting.
09/21/2020	Motion/application to augment record filed.	By aplt, for CT
09/21/2020	Motion/application to augment record filed.	By aplt, for RT
09/24/2020	Motion/application to augment record filed.	By Appellant
09/25/2020	Returned document for non-conformance.	Exhibits in support of motion to Augment have been returned. 1. Needs a cover page 2. There is a duplicate "G1" bookmark that needs to be removed at the bottom of bookmark list. 3. Bookmark "P" subheading page 5 of 6 can't come before Bookmark Q page 4 of 6.
10/06/2020	Opposition filed.	By resp, oppo to both of aplt's motions to augment filed on 09/21/20.
10/07/2020	Returned document for non-conformance.	Aplt's reply needs to be submitted with a request for permission to file a reply.
10/07/2020	To court.	Apt's mtn's to augment CT and RT. Resp's oppo to both mtns.
10/07/2020	Motion filed.	By aplt, mtn for permission to reply to resp's oppo.
10/07/2020	To court.	Aplt's mtn for permission to file a reply to resp's oppo.
10/07/2020	Opposition filed.	By resp, oppo to aplt's mtn to augment filed on 09/24/20.
10/08/2020	To court.	Apt's mtn to augment CT (filed 09/24/20) and resp's oppo thereto.
10/13/2020	Granted - extension of time.	

10/21/2020	Augmentation granted. (See order.)	<p>Appellant filed two motions to augment the record on September 21, 2020, and respondent has filed opposition thereto. Appellant's application for leave to file a reply to respondent's opposition is GRANTED. The clerk of the court is directed to file forthwith appellant's reply received on October 7, 2020.</p> <p>Appellant's motion filed on September 21, 2020 to augment the record on appeal with documents that were filed in the above superior court case number 30-2017-00962999 prior to entry of the orders on appeal and the filing of the notice of appeal, which documents are identified in appellant's motion as exhibits A through G, is GRANTED. The clerk of the court is directed to file forthwith the documents received with appellant's motion and the documents are deemed part of the record on appeal.</p> <p>Appellant's second motion filed on September 21, 2020 to augment the record with certified reporter's transcripts is GRANTED in part and DENIED in part as follows. Appellant's motion is GRANTED as to the reporter's transcripts from proceedings conducted in the above superior court case number 30-2017-00962999 on February 14, 2018, November 14, 2018, and October 24, 2019. The clerk of the court is directed to file forthwith the reporter's transcripts received with appellant's motion and the February 14, 2018, November 14, 2018, and October 24, 2019 transcripts only are deemed part of the record on appeal. Appellant's motion to augment with the reporter's transcript from proceedings on May 9, 2018 in superior court case number 30-2018-00986785 is DENIED. (Cal. Rules of Court, rule 8.155(a) [party may only augment with document or transcripts filed in the superior court in the case before the court].)</p> <p>Appellant's third motion to augment the record filed on September 24, 2020, with documents filed in superior court case number 30-2018-00986785 is DENIED.</p> <p>Appellant's opening brief remains due to be served and filed by November 13, 2020.</p>
10/21/2020	Reply filed to:	Aplt's reply to resp's oppo filed on 10/06/20
10/21/2020	Augmented clerk's transcript filed	CT: 186 pgs
10/21/2020	Augmented reporter's transcript filed	RT: 38 pgs
11/16/2020	Granted - extension of time.	
11/30/2020	Returned document for non-conformance.	Aplt's augmented CT needs to be submitted w/mtn to augment.
12/14/2020	Appellant notified re failure to timely file opening brief.	
12/22/2020	Returned document for non-conformance.	AOB ext needs to be submitted w/mtn to file under seal for court to consider sealing confidential doc, or resubmit ext w/out confidential doc.
12/22/2020	Granted - extension of time.	
01/22/2021	Granted - extension of time.	
01/28/2021	Granted - extension of time.	
03/01/2021	Granted - extension of time.	<b>**LAST EXTENSION**</b>

03/15/2021	Requested - extension of time	
03/15/2021	Granted - extension of time.	Appellant's application for an additional extension of time to file her opening brief is granted in part and denied in part. The notice of appeal was filed on February 13, 2020 and the record on appeal was filed on August 31, 2020. Appellant has been granted six extensions of time to file her opening brief totaling 132 days, the prior extension having been marked "last extension," and has been issued a default notice pursuant to California Rules of Court, rule 8.220. Appellant is granted a final 15 days to serve and file her opening brief. With this final extension appellant has now been afforded 211 days to file her opening brief. No further extensions will be granted. If appellant's opening brief is not served and filed by March 30, 2021, the appeal will be dismissed.
04/01/2021	Appellant notified re failure to timely file opening brief.	If appellant's opening brief is not filed within 15 days after the date of this notice, the appeal may be dismissed. (Cal. Rules of Court, rule 8.220(a)(1).)  No additional notices under rule 8.220 will be issued, even if further extensions are granted.
04/19/2021	Appeal dismissed for failure to file opening brief.	Defendant and Appellant: Jaime L. Gallian Pro Per Appellant failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a)(1). The appeal is DISMISSED pursuant to California Rules of Court, rule 8.220(c). Seven extensions granted for a total of 150 days: 10/13/2020 Granted - extension of time. Due on 11/13/2020 By 31 Day(s) 11/16/2020 Granted - extension of time. Due on 12/11/2020 By 28 Day(s) 12/22/2020 Granted - extension of time. Due on 01/21/2021 By 23 Day(s) 01/22/2021 Granted - extension of time. Due on 01/26/2021 By 5 Day(s) 01/28/2021 Granted - extension of time. Due on 02/26/2021 By 31 Day(s) 03/01/2021 Granted - extension of time. Due on 03/12/2021 By 14 Day(s) 03/15/2021 Requested - extension of time. Requested for 04/12/2021 By 31 Day(s) 03/15/2021 Granted - extension of time. Due on 03/30/2021 By 18 Day(s) **LAST EXTENSION**
06/21/2021	Remittitur issued.	
06/21/2021	Case complete.	
06/21/2021	Record shipped to records center	All documents scanned.
06/21/2021	Motion filed.	By aplt, mtn to recall remittitur.
06/21/2021	Received document entitled:	By aplt, informal letter brief.
06/23/2021	Received document entitled:	Aplt's verified declaration.
07/06/2021	Opposition filed.	By resp, oppo to aplt's mtn to recall the remittitur.
07/07/2021	Reply filed to:	By aplt.
07/07/2021	To court.	1) Aplt's mtn to recall the remittitur 2) Aplt's informal letter brief(received only) 3) Aplt's verified declaration(received only) 4) Resp's oppo 5) Aplt's reply

07/08/2021	Order on motion filed.	<p>THE COURT:</p> <p>The motion to recall the remittitur is DENIED.</p> <p>O'LEARY, P. J.</p> <p>* Before O'Leary, P. J., Goethals, J., and Marks, J.**</p> <p>** Judge of the Orange Super. Ct., assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution.</p>
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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
7101 N. Mesa, Ste 355  
El Paso, TX 79912

A true and correct copy of the foregoing document entitled (*specify*): **Motion to Continue Pre-Trial Conference and Other Dates to Conserve Court Resources; Declaration of Janine Jasso in Support Thereof** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 2/01/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See NEF for confirmation of electronic transmission to the U.S. trustee, any trustee in this case, and to any attorneys who received service by NEF.

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) 2/01/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR AND DEFENDANT  
JAMIE LYNN GALLIAN  
16222 MONTEREY LANE, SPC 376  
HUNTINGTON BEACH, CA 92649

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Document Delivery to Court Suspended General Order 21-05

Courtesy Copy via email: Aaron De Leest, Esq.,

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2-01-2023  
Date

David Jasso  
Printed Name

  
Signature